



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

June 15, 2011

### **S. 52** **International Fisheries Stewardship and Enforcement Act**

*As ordered reported by the Senate Committee on Commerce, Science,  
and Transportation on May 5, 2011*

#### **SUMMARY**

S. 52 would establish uniform enforcement policies and procedures among federal statutes that govern the regulation of commercial fishing. The bill also would authorize funding for programs to improve the enforcement of laws related to international fisheries and coordinate enforcement actions among federal agencies. In addition, the bill would authorize the appropriation of funds to carry out several international fishing agreements. Finally, the bill would amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, an international fishing agreement signed by the United States in 2003.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 52 would cost \$342 million over the 2012-2016 period and \$51 million after 2016.

Enacting this legislation could increase revenues (from civil and criminal penalties) and associated direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effects of those collections and subsequent spending on future budget deficits would be negligible for each year.

CBO has not reviewed title IV of the bill for intergovernmental or private-sector mandates. Section 4 of the Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation of international treaty obligations. CBO has determined that title IV falls within that exclusion. The remaining provisions of S. 52 contain no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

## ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 52 is shown in the following table. The costs of this legislation fall within budget function 300 (environment and natural resources).

	By Fiscal Year, in Millions of Dollars					2012-
	2012	2013	2014	2015	2016	2016
<b>CHANGES IN SPENDING SUBJECT TO APPROPRIATION</b>						
Title II – International Fisheries Enforcement Programs						
Authorization Level <sup>a</sup>	35	35	35	35	35	175
Estimated Outlays	23	30	34	35	35	157
Title III – Reauthorizations for International Fishing Agreements						
Estimated Authorization Level <sup>b</sup>	93	93	0	0	0	186
Estimated Outlays	61	79	30	13	2	185
Total Changes						
Estimated Authorization Level	128	128	35	35	35	361
Estimated Outlays	84	109	64	48	37	342

a. Of the appropriations received in fiscal year 2010, the National Oceanic and Atmospheric Administration (NOAA) allocated \$2 million to carry out activities similar to the ones authorized in title II. The agency has not completed its allocation of fiscal year 2011 appropriations for those activities.

b. Of the appropriations NOAA received in fiscal year 2010, the agency allocated \$29 million to carry out international fishing agreements. The agency has not completed its allocation of fiscal year 2011 appropriations for those activities.

## BASIS OF ESTIMATE

For this estimate, CBO assumes that the legislation will be enacted by the end of 2011 and that the authorized and estimated amounts will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns for similar programs.

Title II would authorize the appropriation of \$30 million for each of fiscal years 2012 through 2017 for a new program to detect, investigate, and enforce laws against certain fishing activities. The new program would be administered by the National Oceanic and Atmospheric Administration (NOAA) and carried out with help from other federal agencies, such as the U.S. Coast Guard and U.S. Customs and Border Protection. Title II also would authorize the appropriation of \$5 million annually over the same period for grants and other assistance to foreign governments to improve international enforcement of

fisheries laws. Assuming appropriation of the authorized amounts, CBO estimates that implementing the new programs would cost \$157 million over the 2012-2016 period and \$51 million after 2016.

Title III would authorize the appropriation of \$91 million a year over the 2012-2013 period to carry out activities related to certain international fishing agreements. That title also would authorize such sums as may be necessary to carry out similar activities under another international fishing agreement; based on information from NOAA, CBO estimates that those activities would cost about \$2 million a year over the 2012-2013 period. In total, assuming appropriation of the necessary amounts, CBO estimates that implementing title III would cost \$185 million over the 2012-2016 period.

Title IV would amend the Tuna Conventions Act of 1950 to implement the Antigua Convention and would establish guidelines for the selection, composition, and duties of certain bodies that represent the United States on the Inter-American Tropical Tuna Commission. Because those bodies currently exist and members of those bodies are not compensated by the federal government, CBO estimates that implementing title IV would have no significant impact on the federal budget.

## **PAY-AS-YOU-GO CONSIDERATIONS**

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. Enacting S. 52 could increase revenues (from civil and criminal penalties) and associated direct spending; therefore, pay-as-you-go procedures would apply. However, CBO estimates that any increase in revenues from penalties would be less than \$500,000 a year and would be offset by similar increases in direct spending from the Crime Victims Fund (for criminal penalties) or by NOAA (for civil penalties).

## **INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT**

CBO has not reviewed title IV of S. 52 for intergovernmental or private-sector mandates. Section 4 of UMRA excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation of international treaty obligations. CBO has determined that the provisions of title IV fall within that exclusion because they would implement the Antigua Convention.

The remaining provisions of the bill contain no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

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